

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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FRANK ROBINSON,

Plaintiff,

vs

9:01-CV-1934

GLENN S. GOORD, Commissioner of New York State DOCS; THERESA DAVID-KNAPP, Director of Inmate Movement and Classification at DOCS; JOSEPH J. COSTELLO, Superintendent of Mid-State Correctional Facility; JOSEPH F. DAVID, Superintendent of Greene Correctional Facility; MELODY J. ELDRED, Deputy Superintendent of Administration at Greene Correctional Facility; KAREN PHILLIPS, Senior Counselor at Midstate Correctional Facility; SGT. SHAUGER, SHU Supervisor at Greene Correctional Facility; MR. REESE, Corrections Officer at Greene Correctional Facility; R.N. JANE DOE, #259 at Greene Correctional Facility; THOMAS EAGEN, Director of Inmate Grievance Program; JAMES NICHOLS, Deputy Superintendent of Programs; SUPERVISOR TESTO, Inmate Grievance Program at Hudson Correctional Facility; DANIEL LUTZ, Supervisor Inmate Grievance Program at Midstate Correctional Facility; and G. LAWRENCE, W. STRAITE, and T. DOBBINS, Each Corrections Officers at Midstate Correctional Facility,

Defendants.

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APPEARANCES:

OF COUNSEL:

FRANK ROBINSON  
97-A-4028  
Franklin Correctional Facility  
62 Bare Hill Road  
PO Box 10  
Malone, NY 12953

HON. ELIOT SPITZER  
Attorney General of the  
State of New York  
Attorney for Defendants  
Litigation Bureau  
Department of Law  
The Capitol  
Albany, New York 12224

LISA ULLMAN, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**ORDER**

Plaintiff, Frank Robinson, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report-Recommendation dated November 1, 2005, the Honorable George H. Lowe, United States Magistrate Judge, recommended that defendants' motion for summary judgment be granted; that plaintiff's Seventh Claim" be sua sponte dismissed with prejudice under Fed. R. Civ. P. 12(b)(6) to the extent that the claim asserts any "non-transfer" allegations against defendant Knapp-David; and that plaintiff's Eighth Claim and Ninth Claim should be sua sponte dismissed with prejudice. The plaintiff has filed timely objections to the recommendations of the Magistrate Judge.

Based upon a de novo determination of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

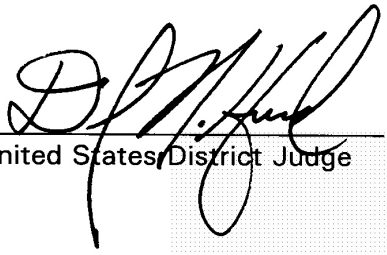
1. Defendants' motion for summary judgment is granted;

2. Plaintiff's Seventh Claim" is sua sponte dismissed with prejudice under Fed. R. Civ. P. 12(b)(6) to the extent that the claim asserts any "non-transfer" allegations against defendant Knapp-David; and

3. Plaintiff's Eighth Claim and Ninth Claim are sua sponte dismissed with prejudice.

The Clerk is directed to file judgment accordingly.

IT IS SO ORDERED.

  
United States District Judge

Dated: January 25, 2006  
Utica, New York.